



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 17 2018

REPLY TO THE ATTENTION OF

WC-15J

CERTIFIED MAIL 7016 3010 0000 9203 4707
RETURN RECEIPT REQUESTED

Ex. 6 (Personal Privacy)

Ex. 6 (Personal Privacy)

Ex. 6 (Personal Privacy)

Farm

Ex. 6 (Personal Privacy)

Subject: March 27, 2018 Inspection Report

Dear Ex. 6 (Personal Privacy):

Enclosed, please find a copy of the U.S. Environmental Protection Agency Inspection Report for the Concentrated Animal Feeding Operation inspection conducted at Ex. 6 (Personal Privacy) Farm on March 27, 2018. The purpose of the inspection was to evaluate and document compliance of Ex. 6 (Personal Privacy) Farm with the Clean Water Act.

If you have any questions, please contact Joan Rogers of my staff at (312) 886-2785.

Sincerely,

Ryan J. Bahr, Chief, Section 2
Water Enforcement and Compliance Assurance
Branch

Enclosures

Cc: Thomas Bauman, Wisconsin Department of Natural Resources
Mary Anne Lowndes, Wisconsin Department of Natural Resources
Ben Benninghoff, Wisconsin Department of Natural Resources
Mike Gilbertson, Wisconsin Department of Natural Resources
Lisa Creegan, Wisconsin Department of Natural Resources
Brian Smetana, Walworth County

**CWA COMPLIANCE EVALUATION INSPECTION REPORT
U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 5**

Purpose:

Compliance Evaluation Inspection

Facility:

Ex. 6 (Personal Privacy) Farm

Ex. 6 (Personal Privacy)

Walworth County

Ex. 6 (Personal Privacy)

NPDES Permit Number:

N/A

Date of Inspection:

March 27, 2019

EPA Representatives:

Joan Rogers, Environmental Scientist
rogers.joan@epa.gov

312-886-2785

State Representatives:

None

Facility Representatives:

Ex. 6 (Personal Privacy)

Ex. 6 (Personal Privacy)

Report Prepared by:

Joan Rogers, Environmental Scientist

Report Date:

April 17, 2018

Inspector Signature and Date:

Joan Rogers 4/17/18

Approver Signature:

Approval Date:

1. BACKGROUND

The purpose of this report is to describe, evaluate and document the activities of the EPA in a close out inspection of an Administrative Order on Consent (Order) at the Ex. 6 (Personal Privacy) Farm facility on March 27, 2018. The Order was negotiated between EPA and Ex. 6 (Personal Privacy) Farm following a November 2015 inspection at the facility where EPA observed runoff of manure and process wastewater to a ditch on the south side of the facility. The ditch flowed west to a culvert under Wisconsin Highway 120 and then to a grassed waterway. A follow-up/reconnaissance inspection at the facility on March 24, 2016 documented the flow from the grassed waterway to the perennial West Branch of the North Branch of Nippersink Creek. The flow in this perennial streams goes to the north and to the perennial North Branch of the Nippersink Creek. From there, flow goes to the east and south to the Fox River. The Fox River is a Traditional Navigable Water.

The facility owner agreed to a number of improvements at the facility in order to eliminate the discharge of manure and process wastewater to the ditch on the south side of the facility.

2. SITE INSPECTION

Table 1: Site Entry

Arrival Time:	10:00 A.M.
Temperature:	45F
Precipitation:	It had rained 0.25" the previous night.
Presented credentials?	Yes
Credentials presented to whom and at what time?	Facility owner at 10:00 A.M.
EPA vehicle parked in approved location?	Yes
Location where EPA vehicle was parked?	North of Haylage
Disposable boots worn?	Yes
Other bio-security measures taken:	None

2.1 Records Review (The following Records Review tables reflect information provided before the walk-through of the facility, unless otherwise noted.)

EPA did not review any records during this inspection as this was done previously. See inspection report for November 17, 2015 inspection for facility details.

2.2 Walkthrough of the Facility

Refer to ATTACHMENT A Ex. 6 (Personal Privacy) Farm Photolog – Attachment A" for a description of the walkthrough of the facility and the photos taken during the walkthrough.

2.3 Closing Conference and Post-Inspection

Table 12: Post Walk-Through

Were specific "Potential Violations" discussed with facility personnel?	N/A
Were specific "Areas of Concern" discussed with facility personnel?	N/A
Who were the Potential Violations or Areas of Concern discussed with?	N/A
Compliance assistance materials given to facility personnel: None	
Exit Time:	11:15 A.M.
Disposable Boots Left at Facility?	Yes
Vehicle Washed after leaving facility?	Yes
Date and Time that vehicle was washed:	March 27, 2018 at approx. 12:30 P.M.

Table 13: Waterway Documentation

List the pathway taken by EPA inspectors to document the waterway at the facility.
EPA only observed the ditch on the south side of the facility on this inspection. The ditch was dry.

Table 14a: Sampling Information

Were samples taken?	No
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3. LIST OF DOCUMENTS RECEIVED FROM FACILITY

None

4. AREAS OF CONCERN

EPA observed these areas of concern:

1. The manure and process wastewater from the Calf Barn is not contained and has the potential to reach the Storm Water Channel to the south.
2. The measures to divert manure and process wastewater from the Calving Pen to the east and to the Old Manure Pond consists partially of a gravel berm. The gravel berm is an interim measure and without constant upkeep, it could fail and allow manure and process wastewater from the Calving Pen to flow to the Storm Water Channel to the south.
3. There is uncovered feed on the ground in the mixing area. Until that feed is moved to a covered bay in the Commodity Barn, process wastewater from the feed is not contained and flows to the south to a depression area.
4. The measure to prevent manure and process wastewater from dropping onto the facility driveway and then being transported to the Storm Water Channel from the Cattle Walkway consists of a dirt berm at the lip. The dirt berm is an interim measure and without constant upkeep, it could fail and allow manure

and process wastewater from the Cattle Walkway to flow to the Storm Water Channel.

5. LIST OF ATTACHMENTS

- A) Ex. 6 (Personal Privacy) Farm Photolog - Attachment A
- B) Aerial Photo of Ex. 6 (Personal Privacy) Farm Facility – Attachment B

Ex. 6 (Personal Privacy)

Farm Photolog – Attachment A

EPA Inspection March 27, 2018

All photos taken by Joan Rogers, Environmental Scientist, U.S. EPA

Camera: Olympus TG-4

EPA began the walk through of the Ex. 6 (Personal Privacy) on the west side where the haylage is stored. The haylage is covered and EPA observed a small amount of feed on the ground in front of the pile. There was also gluten and dry corn stored on the ground in front of the haylage. The facility owner stated that in the summer he intended to build another bay onto the Commodity Barn and move the gluten and dry corn to that bay. It will then be under roof and protected from the precipitation.

EPA observed that the leachate from the feed stored in this area would flow south toward a concrete wall where it could flow through weep holes in the wall. On the south side of the wall, the flow pathway was to the south in front of the calf hutches. It ended up in a depression in the yard that allowed the storm water and any process wastewater from the feed to infiltrate into the ground. There was no water in the depression area and a dirt berm kept additional storm water from surrounding areas from going into the depression and would keep any process wastewater in the depression from flowing out to a surface water.



1: P3270017

Description: Haylage is kept covered except for a small amount of gluten and dry corn, which will be moved to a new location in the summer. The new location will have a roof.

Location: South of haylage

Camera Direction: North

Date/Time: March 27, 2018 10:06 A.M.

Ex. 6 (Personal Privacy)



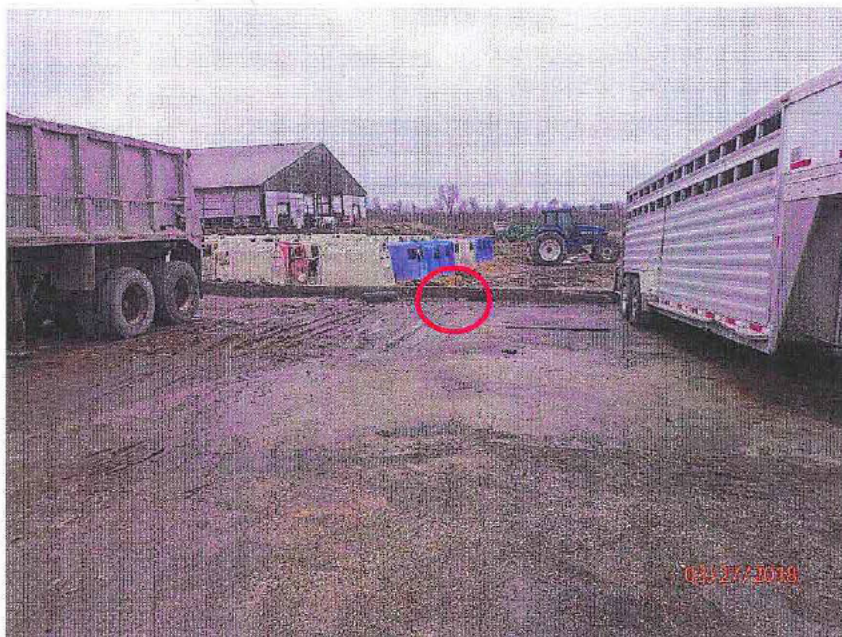
2: P3270018

Description: Leachate from the haylage and feed flows over the ground to the south.

Location: South of haylage

Camera Direction: Down

Date/Time: March 27, 2018 10:06 A.M.



3: P3270019

Description: Looking south from haylage, any leachate would flow to the south and then through weep holes in concrete wall. Red circle denotes location of a weep hole.

Location: South of haylage

Camera Direction: South

Date/Time: March 27, 2018 10:06 A.M.

The calf hutch pad has been raised by one foot and there are two less rows on the south side and one less on the west side. This was done to keep the calf hutches out of the depression area. Process wastewater from the calf hutches would infiltrate into the new pad but any runoff would also flow to the depression area. EPA did not observe any runoff from the calf hutches on the day of the inspection.



4: P3270020

Description: Calf hutch pad has been raised with a foot of gravel to allow for infiltration of leachate from calf hutches. Haylage and feed leachate, after flowing through weep holes, flows south in front of calf hutches and to a low depressional area south and west of the calf hutch area.

Location: West of the calf hutches

Camera Direction: East

Date/Time: March 27, 2018 10:08 A.M.



5: P3270021

Description: Calf hutch area is raised a foot and there are fewer rows.

Location: West of the calf hutches

Camera Direction: Southeast

Date/Time: March 27, 2018 10:08 A.M.



6: P3270022

Description: Depressional area south and west of the calf hutches is in the foreground and it holds any leachate runoff from hutches and feed. A dirt berm prevents the flow from reaching surface water.

Location: South of the calf hutches

Camera Direction: South

Date/Time: March 27, 2018 10:09 A.M.



7: P3270023

Description: Depressional area south and west of the calf hutches holds any leachate runoff from hutches and haylage and feed. A dirt berm prevents the flow from reaching surface water.

Location: South of the calf hutches

Camera Direction: Southwest

Date/Time: March 27, 2018 10:09 A.M.

During previous inspections, EPA observed manure and process wastewater flowing into a storm water channel west of the facility driveway and then to the ditch on the south side of the facility. The source of the process wastewater at that time was from the calf hutches, the feed storage and the Cattle Walkway west of the Freestall Barns. The facility owner now uses gravel and dirt to prevent storm water from flowing into the depression area which collects any process wastewater from the feed and calf hutches. The Cattle Walkway has been concreted and sloped so that the manure and process wastewater on it would now flow back toward the barns and then to the manure pond.

The facility owner uses dirt to create a lip on the edge of the concrete to prevent manure and process wastewater from being pushed over the edge of the concrete. EPA observed bedding pushed off the walkway and discussed the possibility of a more permanent lip at the edge of the concrete with the facility owner. The facility owner stated that he intended to install a concrete lip at the edge of the concrete walkway this year.

Storm water from the roofs of the Freestall Barns was piped from between the barns, under the Cattle Walkway to the west and to the facility driveway on the west side of the Freestall Barns. The flow of water was then down the driveway to the south until the lowest point in the driveway. At that location, there was a storm water channel that led to the ditch on the south side of the facility.



8: P3270024

Description: Sand and dirt berm along facility driveway prevents precipitation from flowing into the depressional area south and west of the calf hutch area and directs the precipitation to a storm water channel.

Location: Southeast of the calf hutches

Camera Direction: South

Date/Time: March 27, 2018 10:11 A.M.



9: P3270025

Description: Sand and gravel berm directs storm water to a storm water channel. Blue arrow denotes location of a storm water channel.

Location: Southeast of the calf hutches

Camera Direction: South

Date/Time: March 27, 2018 10:11 A.M.



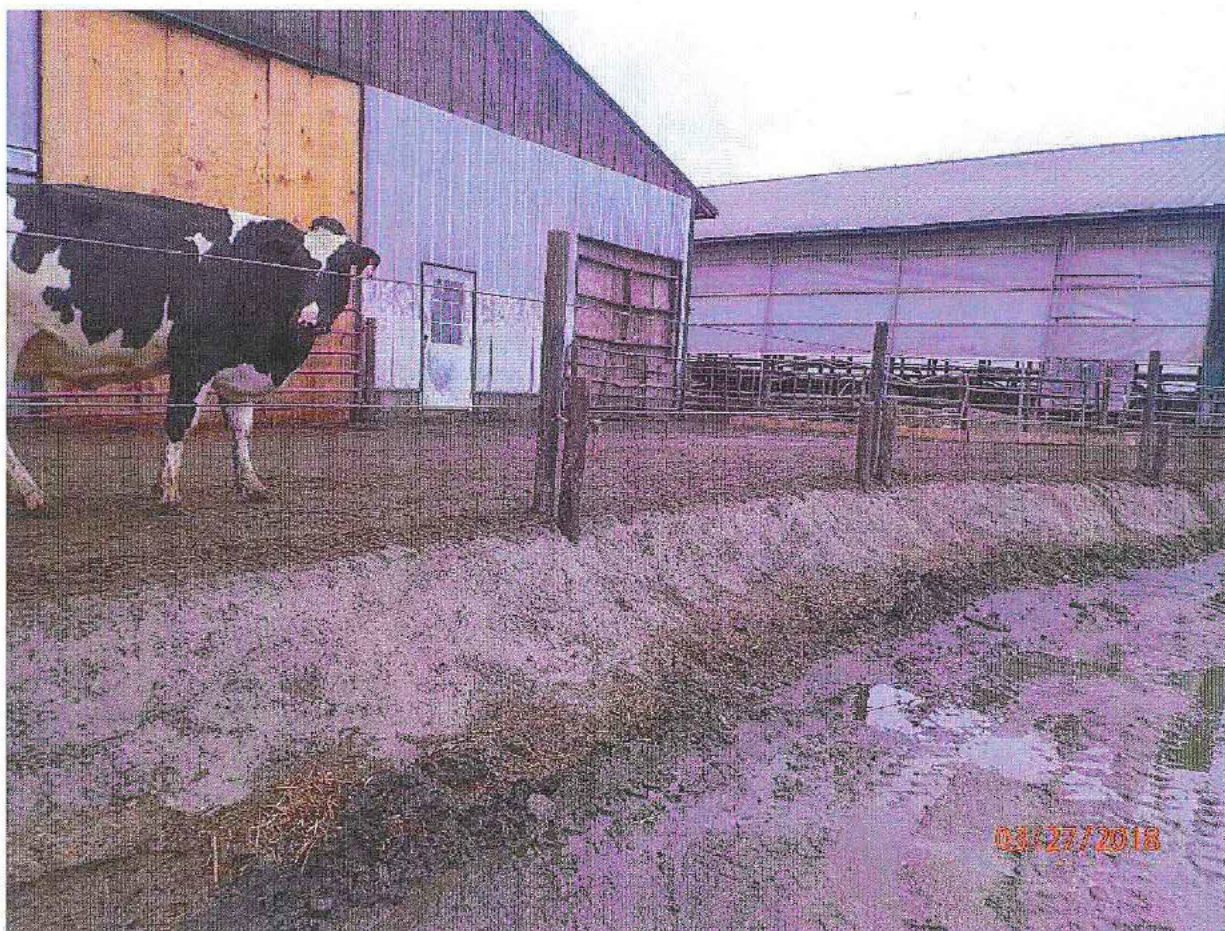
10: P3270026

Description: Storm water flow enters the storm water channel on the west side of the facility driveway. Blue arrow denotes location of storm water channel.

Location: Southeast of the calf hutches

Camera Direction: South

Date/Time: March 27, 2018 10:12 A.M.



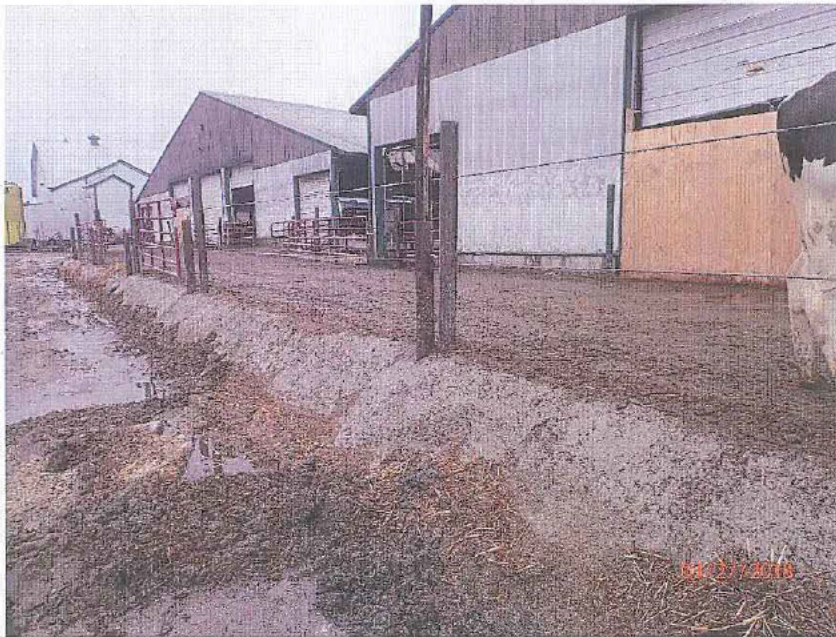
11: P3270027

Description: Cattle Walkway has been concreted and built up so that the process wastewater flows back into the barn and then to the manure pond. A small dirt berm on the edge of the concrete does not appear to contain all the manure from the walkway, though. Owner intends to put a concrete berm at the edge of the concrete.

Location: West of Freestall Barns

Camera Direction: Southeast

Date/Time: March 27, 2018 10:12 A.M.



12: P3270028

Description: Dirt berm at edge of concrete does not appear to contain all the manure and bedding from being pushed onto the facility driveway.

Location: West of Freestall Barns

Camera Direction: Northeast

Date/Time: March 27, 2018 10:12 A.M.



13: P3270029

Description: Blue circle denotes outlet of storm water pipe from roof water that drops between barns.

Location: West of Freestall Barns

Camera Direction: South

Date/Time: March 27, 2018 10:13 A.M.



14: P3270030

Description: Roof storm water flows to the east through a pipe under Cattle Walkway then over facility driveway and to the storm water channel.

Location: West of Freestall Barns

Camera Direction: East

Date/Time: March 27, 2018 10:14 A.M.

EPA then walked north to the Calf Barn. The facility owner keeps approximately a dozen calves in this barn and they are bedded with straw. An open pen of the Calf Barn had no containment for process wastewater. The process wastewater could flow with precipitation to the south and then along the driveway to the storm water channel west of the Freestall Barns. EPA did not observe a discharge on the day of the inspection.

EPA then walked north to the Calving Pen. Previously, the process wastewater from this pen would also flow to the south and to the storm water channel. But now, there was a gravel and dirt pile and a small hump in the concrete in front of the pen that directed the flow along the ground to the east and then to the south to the manure pond. EPA observed the very shallow flow pathway to the east in front of the Commodity Barn which would then flow to the Old Manure Pond.

Additionally, process wastewater from the Heifer Barn was also directed to flow to the east of the Commodity Barn and to the Old Manure Pond.



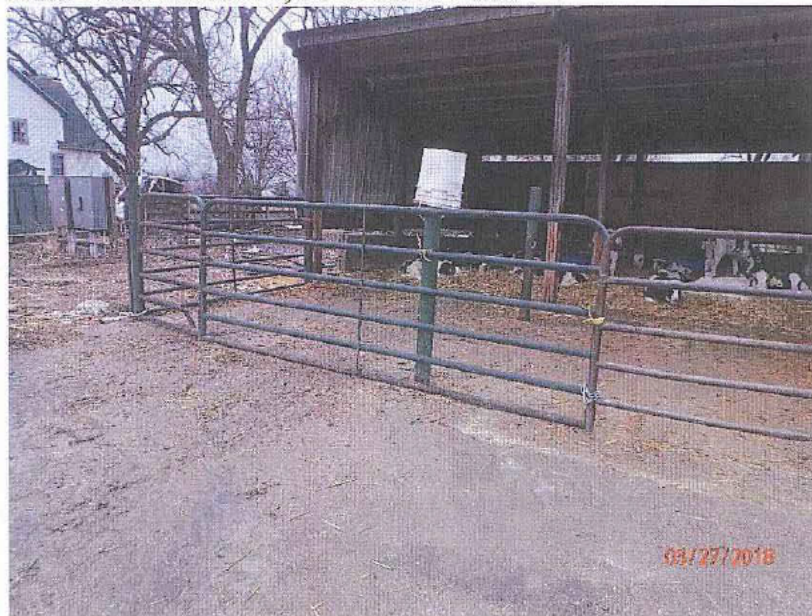
15: P3270031

Description: Calf Barn feed is kept pushed back under roof. Leachate would flow to the south.

Location: South of Calf Barn

Camera Direction: Northeast

Date/Time: March 27, 2018 10:17 A.M.



16: P3270032

Description: Small amount of calves kept in this barn. Straw is kept pushed back under roof but leachate would flow to the south.

Location: South of the Calf Barn

Camera Direction: Northwest

Date/Time: March 27, 2018 10:17 A.M.



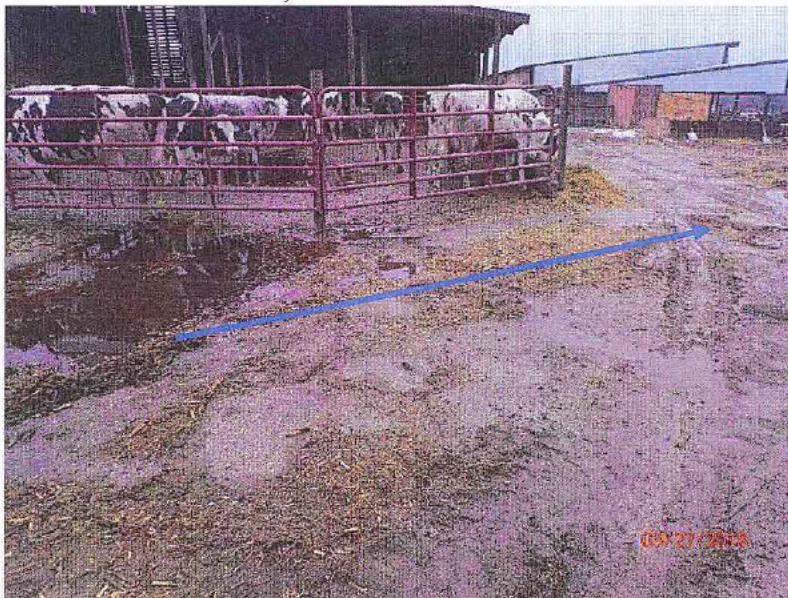
17: P3270033

Description: Calving Pen has had concrete installed in front to direct precipitation to the east to the manure pond. Additionally, gravel is kept piled to the south to also direct flow to the manure pond. Blue circle denotes gravel pile and blue arrow denotes flow direction. See also next photo.

Location: South of Calving Pen

Camera Direction: Northwest

Date/Time: March 27, 2018 10:18 A.M.



18: P3270034

Description: Although process wastewater leaves the pen to the south, the flow is then to the east, along the ground, to manure pond. Blue arrow denotes flow direction. See continuation of flow in next photo.

Location: South of Calving Pen

Camera Direction: North

Date/Time: March 27, 2018 10:18 A.M.



19: P3270035

Description: Continuation of process wastewater flow from Calving Pen. See also next photo.

Location: Southeast of the Calving Pen

Camera Direction: Northeast

Date/Time: March 27, 2018 10:19 A.M.



20: P3270036

Description: Continuation of process wastewater flow from the Calving Pen to the east to the manure pond. Commodity Barn is on the right of the photo.

Location: Southeast of the Calving Pen

Camera Direction: Northeast

Date/Time: March 27, 2018 10:19 A.M.

The Commodity Barn is north of the Milking Parlor with the open end of the bays facing north. The facility owner stated that he intends to install another bay next to the existing two and will move the gluten and dry corn from the front of the facility to the new bay. EPA observed some product in front of the bays, but the topography of the land would direct the flow of precipitation and process wastewater to the east and then to the south to the Old Manure Pond.



21: P3270037

Description: Commodity Barn is covered. Process wastewater from track in and track out would flow to the north and then east to the manure pond. Owner intends to add another bay to the east for the gluten and dry corn that are currently stored by the haylage.

Location: North of Commodity Barn

Camera Direction: South

Date/Time: March 27, 2018 10:19 A.M.



22: P3270038

Description: Feed is kept pushed up against fence of the pen for the Heifer Barn. Process wastewater from the barn and pen flows to the southeast to the manure pond.

Location: Southeast of the Heifer Barn

Camera Direction: Northwest

Date/Time: March 27, 2018 10:23 A.M.



23: P3270039

Description: Flow from the east side of 2000, 2002, and 2004 Freestall Barns and west side of 2010 Freestall Barn flows to the Old Manure Pond.

Location: South of 2010 Freestall Barn

Camera Direction: West

Date/Time: March 27, 2018 10:26 A.M.

EPA then walked to the east and observed the silage, which was covered with a tarp and tires, and the Old Manure Pond. The Old Manure Pond receives manure and process wastewater via gravity flow from all the Freestall Barns, the Calving Pen, the Silage Pad, and the Heifer Barn. The Old Manure Pond is a two-million-gallon concrete pond.

In 2017, the facility owner installed a new three-million-gallon concrete manure pond. This pond is directly to the east of the Old Manure Pond and is above ground ten feet deep. Four feet is above ground and a ramp is installed on the north side to allow for the land application equipment to access the contents of the pond. The New Manure Pond has a safety fence around it and a Margin of Safety one-foot marker installed on the inside wall.

The facility owner pumps the liquids from the Old Manure Pond into the New Manure Pond. Liquid from the New Manure Pond is land applied and the solids are land applied from the Old Manure Pond.



24: P3270040

Description: Calving Pen and Heifer Barns in background and 2010 Freestall Barn on right. All process wastewater flows to the Old Manure Pond, the edge of which can be seen on left side of photo. Calving Pen identified with a red arrow. Heifer Barn identified with a yellow arrow. Edge of Old Manure Pond identified with a green arrow.

Location: South of 2010 Freestall Barn

Camera Direction: Northwest

Date/Time: March 27, 2018 10:26 A.M.



25: P3270041

Description: West side of 2010 Freestall Barn. Process wastewater flows to Old Manure Pond.

Location: Southeast of 2010 Freestall Barn

Camera Direction: North

Date/Time: March 27, 2018 10:26 A.M.



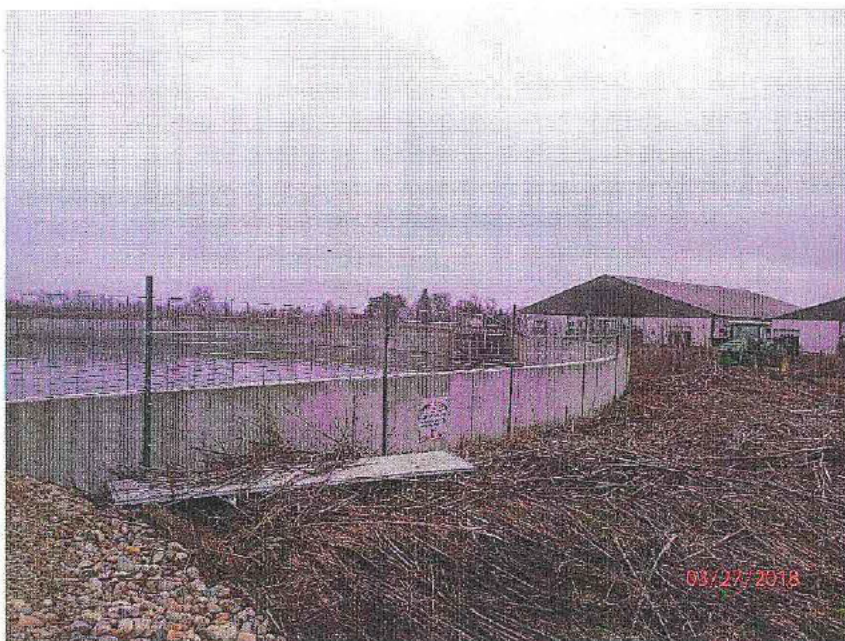
26: P3270042

Description: Close up of east doors of 2000 and 2002 Freestall Barns and Old Manure Pond in foreground.

Location: Southeast of 2010 Freestall Barn

Camera Direction: Southwest

Date/Time: March 27, 2018 10:27 A.M.



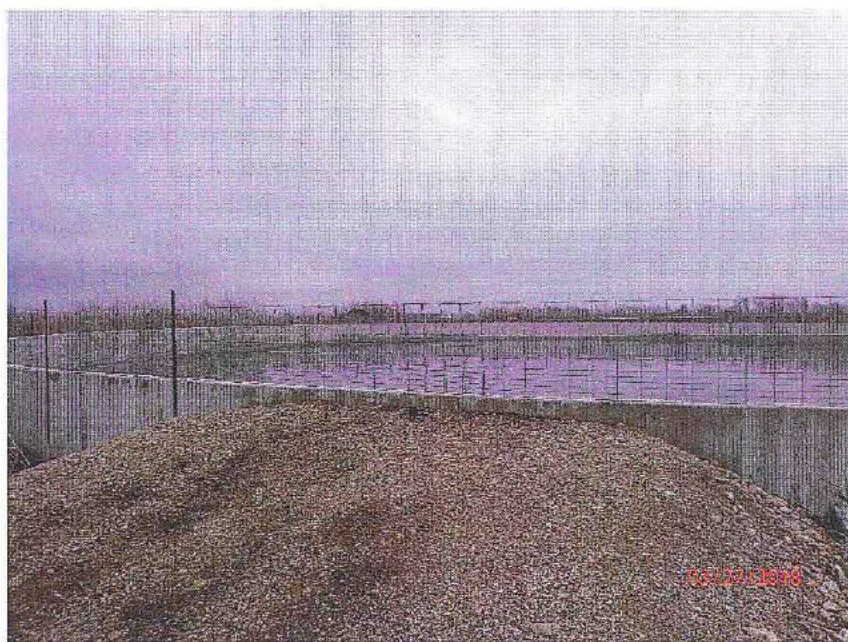
27: P3270043

Description: New three million gallon concrete manure pond and safety fencing.

Location: East of Old Manure Pond

Camera Direction: Southwest

Date/Time: March 27, 2018 10:28 A.M.



28: P3270044

Description: Solids stay in Old Manure Pond and liquid is pumped to New Manure Pond.

Location: East of Old Manure Pond

Camera Direction: South

Date/Time: March 27, 2018 10:28 A.M.



29: P3270045

Description: Liquid from New Manure Pond is land applied.

Location: North side of New Manure Pond

Camera Direction: Southeast

Date/Time: March 27, 2018 10:28 A.M.



30: P3270046

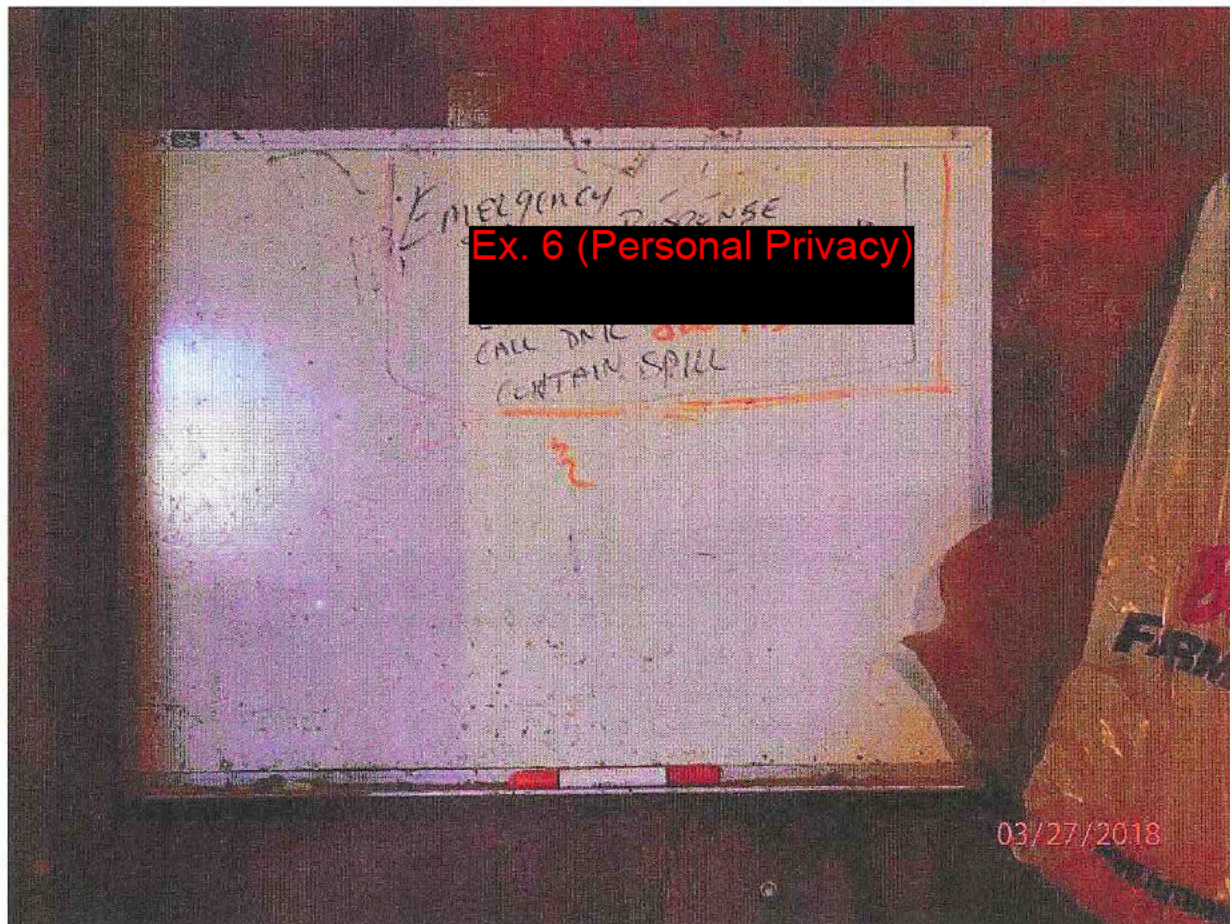
Description: Margin of safety marker in New Manure Pond is identified with blue circle.

Location: North side of New Manure Pond

Camera Direction: Southwest

Date/Time: March 27, 2018 10:29 A.M.

EPA then walked to the Milking Parlor and observed the Emergency Spill Response posted in the parlor. EPA then walked to the south side of the facility where the ditch on the south side of the facility was located. The facility owner stated that since the improvements in the facility had been installed, there was very little flow in the ditch at any given time. EPA noted that the ditch was dry. There was standing water at the end of the Storm Water Channel west of the Freestall Barns, but it was not flowing into the ditch. EPA concluded the walk through by walking north along the Storm Water Channel and back to the EPA vehicle.



31: P3270047

Description: Emergency spill response numbers on white board in office.

Location: In office by Milking Parlor

Camera Direction: East

Date/Time: March 27, 2018 10:42 A.M.



32: P3270048

Description: Storm water ditch on south side of facility has very little flow in it now.

Location: South of 2004 Freestall Barn

Camera Direction: West

Date/Time: March 27, 2018 10:45 A.M.



33: P3270049

Description: Storm water from fields flows under gravel driveway south of 2004 Freestall Barn.

Location: South of 2004 Freestall Barn

Camera Direction: East

Date/Time: March 27, 2018 10:45 A.M.



34: P3270050

Description: Owner reports very little flow in the storm water ditch since improvements were made at the facility.

Location: South of 2004 Freestall Barn

Camera Direction: Southeast

Date/Time: March 27, 2018 10:46 A.M.



35: P3270051

Description: Flow from north into the storm water ditch goes through pipe under facility driveway.

Location: Southwest of 2004 Freestall Barn

Camera Direction: Northeast

Date/Time: March 27, 2018 10:47 A.M.



36: P3270052

Description: Storm water channel east of the Freestall Barns flows to the south.

Location: Southwest of the 2004 Freestall Barn

Camera Direction: North/Northeast

Date/Time: March 27, 2018 10:47 A.M.



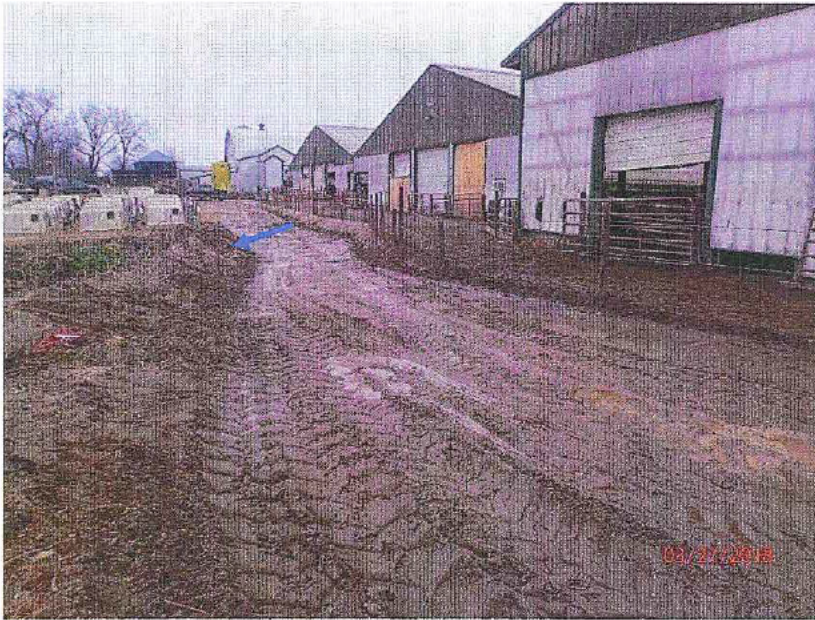
37: P3270053

Description: Depressional area for any runoff from haylage and feed and calf hutches is separated by a dirt berm from the storm water channel. Depressional area is denoted with a green arrow.

Location: West of 2004 Freestall Barn

Camera Direction: North

Date/Time: March 27, 2018 10:47 A.M.



38: P3270054

Description: Lowest part of facility driveway is where the storm water channel that flows to the south begins and location of the storm water channel is denoted with a blue arrow.

Location: West of the 2004 Freestall Barn

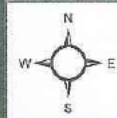
Camera Direction: North

Date/Time: March 27, 2018 10:48 A.M.

Following the closing conference, EPA inspector removed the disposable rubber booties and left them at the facility. EPA exited the facility at approximately 11:15 A.M.

120

ATTACHMENT B



Ex. 6 (Personal Privacy) Farm
Ex. 6 (Personal Privacy)

Walworth County
Ex. 6 (Personal Privacy)

Beef Cattle

Heifer Barn

Silage

2010 F.S. Barn

Calves

Commodities

Milking Parlor

Haylage

Feed Mixing

2000 F.S. Barn

Calf Hutches

2002 F.S. Barn

Manure Pond

2004 F.S. Barn

Heifer

Grain Bins

Heifer

Storage

120

